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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

MEETING DATE June 20, 2014 LOCAL EFFECTIVE DATE July 4, 2014 APPROX FINAL EFFECTIVE DATE July 25, 2014	CONTACT/PHONE Schani Siong, Project Planner (805) 781-4374	APPLICANT J.Tenbroeck / Dale and Carly Kaiser	FILE NO. DRC2013-00010
SUBJECT Hearing to consider a request by J. Tenbroeck Inc. / Dale and Carly Kaiser for a Minor Use Permit/Coastal Development Permit to allow the construction of a 2,727 square-foot, three-level single family residence with a 460 square-foot attached garage and approximately 400 square feet of deck area. The project will result in the disturbance of approximately 2,600 square feet on a 2,600 square-foot vacant residential parcel. The proposed project is within the Residential Single Family land use category and is located at 3286 Shearer Avenue, approximately 0.27 mile southeast of the Old Creek Road and Highway 1 intersection, in the community of Cayucos. The site is located in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/ Coastal Development Permit DRC2013-00010 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A General Rule Exemption were issued on May 28, 2014 (ED13-247)			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Plan	ASSESSOR PARCEL NUMBER 064-426-017	SUPERVISOR DISTRICT 2
PLANNING AREA STANDARDS: Resource Capacity and Service Availability, Building Height, Setbacks, Lot Coverage <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program, Grading Adjustment <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: Vacant lot	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family/residences <i>East:</i> Residential Single Family/residences <i>South:</i> Residential Single Family/residences <i>West:</i> Residential Single Family/residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Community Advisory Council, Public Works, Building Division, Cayucos Fire, Cayucos Sanitary District, County Service Area 10 (Cayucos Water), and the California Coastal Commission.	
TOPOGRAPHY: Moderately sloping	VEGETATION: Ornamental landscaping, grasses
PROPOSED SERVICES: Water supply: County Service Area 10 (Cayucos Water) Sewage Disposal: Cayucos Sanitary District Fire Protection: Cayucos Fire	ACCEPTANCE DATE: May 9, 2014

DISCUSSION

The applicant is proposing to build a 2,727 square-foot, three-level single family residence with a 460 square-foot attached garage and approximately 400 square feet of deck area. The property is currently vacant and is surrounded by single family residences. The project is located at 3286 Shearer Avenue, in the community of Cayucos. As outlined below, the proposed project is consistent with the Cayucos Urban Area Standards of the Estero Area Plan as well as applicable Coastal Zone Land Use Ordinance standards and general plan policies.

PLANNING AREA STANDARDS:

Cayucos Urban Area Standards

Communitywide

- A. Resource Capacity and Service Availability.** Application for new land divisions and land use permits for new development shall be accompanied by letters from the applicable water purveyor and the Cayucos Sanitary District stating their intent to serve the proposed project. *Staff comment: This project complies with this standard because the applicant submitted intent-to-serve letters from the County Service Area 10 (Cayucos Water), dated November 18, 2013, and the Cayucos Sanitary District, dated May 8, 2014.*
- F. Setbacks.** The following special setbacks apply: Front - 10 feet, Side – 3 feet, Rear – 5 feet. *Staff comments: This project complies, with setbacks as follows: 10 feet (front), 5 feet (sides), 5 feet (rear).*

Residential Single Family

- B. Height Limitation.** New development shall not exceed 28 feet (above natural grade) unless a more restrictive height limitation is specified. *Staff comment: This project complies. The overall residence is proposed at 28 feet high, above natural grade.*

C. Outside of Community Small-Scale Design Neighborhoods

1. **Building Face Height and Setback.** The maximum height of the front and rear building faces (including decks and balconies), as measured from the finished grade, shall be shown in the following table, and the minimum setback from that building face to the next higher story shall be six feet.

Average Slope of Lot Prior to Grading (Percent)	Maximum Height of Front and Rear Building Face From Finished Grade (Ft.)
Less Than 20	22
20 and Greater	24

Staff comments: This project complies. The average slope of the lot is 20%, therefore, the allowable maximum building face height is 24 feet from finished grade. The proposed project complies with this requirement because the proposed residence has a solid rear building face of 21 feet above the finished grade.

2. **Lot Coverage.** The maximum building footprint of all structures, including garages and carports, shall be 50 percent of the total area of the site. All covered decks, and the portions of uncovered decks and balconies that extend into any required setback, shall be included in the building footprint. *Staff comments: The project complies. The proposed lot coverage is 1,300 square feet (50 percent) of the 2,600 square foot lot.*

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.07.120: Local Coastal Program

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.05.034(b)(3): Grading Adjustment

Grading on slopes between 20% and 30% may occur by Minor Use Permit or Development Plan approval subject to the following:

- (i) The applicable review body has considered the specific characteristics of the site and surrounding area including: the proximity of nearby streams or wetlands, erosion potential, slope stability, amount of grading necessary, neighborhood drainage characteristics, and measures proposed by the applicant to reduce potential erosion and sedimentation.
- (ii) Grading and erosion control plans have been prepared by a registered civil engineer and accompany the request to allow the grading adjustment.
- (iii) It has been demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.
- (iv) It has been found that there is no other feasible method of establishing an allowable use on the site without grading on slopes between 20% and 30%.

Staff comments: Construction of the proposed residence would necessitate grading on slopes between 20% and 30%. The proposed project complies with this standard because it is not located in close proximity to streams or wetlands and, as conditioned, the applicant will be required to submit grading, drainage, and sedimentation and erosion control plans for review and approval before issuance of construction and/or grading permits. The parcel does not contain a feasible building site on slopes less than 20%.

COASTAL PLAN POLICIES:

Following is a brief list of the Coastal Plan Policies (discussion of specific applicable policies following):

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: N/A

Agriculture: N/A

Public Works: ☒

Policy No(s): 1

Coastal Watersheds: ☒

Policy No(s): 7, 8, 9, 10 and 11

Visual and Scenic Resources: ☒

Policy No(s): 2

Hazards: N/A

Archeology: N/A

Air Quality: N/A

Public Works

Policy 1: Availability of Service Capacity. New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.
Staff comment: The applicant submitted intent-to-serve letters from the County Service Area 10 (Cayucos Water), dated November 18, 2013 and the Cayucos Sanitary District, dated May 8, 2014. The project complies with this policy.

Coastal Watersheds

Policy 7: Siting of New Development. Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent, except existing lots of record in the Residential Single-Family category and where a residence cannot be feasibly sited on a slope less than 20 percent. *Staff comment: The proposed project complies with this policy because the site has a uniform slope with an average of 20% and does not contain a feasible building site or adequate building areas where slopes less than 20%.*

Policy 8: Timing of Construction and Grading. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period. *Staff comment: The proposed project is consistent with this policy because it's*

conditioned to require an erosion and sedimentation control plan when grading is conducted or left in an unfinished state during the period from October 15 through April 15.

Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation. Staff comment: The proposed project is consistent with this policy because the applicant is conditioned to apply Best Management Practices in the selection and implementation of site maintenance.

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses. Staff comment: The proposed project is conditioned to comply with this policy by meeting all drainage plan and erosion control measures required the San Luis Obispo County Public Works department.

Policy 11: Preserving Groundwater Recharge. In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats. Staff comment: The proposed project is consistent with this policy because site grading has been designed to retain groundwater on-site to the extent feasible.

Visual and Scenic Resources

Policy 2: Site Selection for New Development. Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever, possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created 'pockets' to shield development and minimum visual instruction. Staff comment: This project complies with this standard. The proposed residence is designed utilizing the existing slope to create a lower floor at the rear, and maintaining a two-level single family residence appearance at the front (top of slope).

COMMUNITY ADVISORY GROUP COMMENTS:

Cayucos Citizens Advisory Council (CCAC) – On February 10, 2014, the CCAC Land Use Committee reviewed and supported the project after the applicant incorporated design changes (more architectural articulation) in response to the Committee's earlier comments.

AGENCY REVIEW:

Public Works – Drainage plan will be required. September 13, 2013.

Cayucos Fire – Fire sprinkler plan to be reviewed and approved by the County. May 7, 2014.

California Coastal Commission – No response

Cayucos Sanitary District – A conditional will-serve letter will be required for this project. August 30, 2013

Building Department – per referral comments dated September 20, 2013:

1. All plans and engineering shall be prepared by a California Licensed Architect of Record unless exempted by the Business and Professions Code.
2. The project is subject to a construction permit as well as the currently adopted California Codes.
3. The project will require a full soils report for the design of all building foundations at the time of construction permit application submittal.
4. The project is subject to the California State Title 24 energy laws.
5. Whether or not a grading permit is required, the project shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.
6. A fire sprinkler system will be required.

LEGAL LOT STATUS:

The one existing parcel is Lot 17 in Block 14 of Morro Strand Unit No. 3 according to map recorded December 6, 1928 in Book 3, Page 112 of Maps, and was legally created by deed at a time when that was a legal method of creating parcels.

Staff report prepared by Schani Siong and reviewed by Bill Robeson.